

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SONDRA K. SUTER,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,

Defendant.

[illegible]

Civil No. 15-cv-868-CJP¹

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

This matter is now before the Court on the parties' Joint Stipulation to Remand to the Commissioner. **(Doc. 37)**.

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, on remand, the Appeals Council will instruct the ALJ to hold a new administrative hearing, further evaluate and weigh the

¹ This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 19.

opinion evidence of record, evaluate plaintiff's maximum residual functional capacity, and, if warranted, obtain supplemental vocational expert evidence. After reevaluating the evidence, the ALJ will issue a new decision regarding the disability application.

For good cause shown, the parties' Joint Stipulation to Remand (**Doc. 37**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Sondra Suter's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: August 9, 2016.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE